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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,588	02/04/2005	Helen Francis-Lang	05-940-F (EX03-057C-US)	4379
63572 7590 03/28/2008 MCDONNELL BOEHNEN HUIBERT @ BERGHOFF LLP 300 SOUTH WACKER DRIVE SUITE 3100 CHICAGO, IL 60606				
EXAMINER SWOPE, SHERIDAN				
ART UNIT		PAPER NUMBER		
1652				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Notice of Non-Compliant
Amendment (37 CFR 1.121)***

Application No.

10/523,588

Applicant(s)

FRANCIS-LANG ET AL.

Examiner

SHERIDAN SWOPE

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 14 January 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other:

Applicants' reply of January 14, 2008 amending Claims 1, 3, 6, 16, and 17 is non-responsive. As amended, none of the pending claims recite the elected invention for the following reasons.

The elected invention is directed to a method for identifying a modulator using a cellular proliferation assay system comprising a casein kinase. Said invention was previously encompassed by Claims 1, 3, 6, 16, and 17.

However for the following reasons, none of Claims 1, 3, 6, 16, or 17 encompass the elected subject matter. Claim 1, as amended, recites an assay for determining CSNK1G expression or activity. The specification discloses various cellular proliferation assay systems [0078-0083]. However, the specification fails to disclose a method for assaying cellular proliferation, wherein CSNK1G expression or activity is used as an indicator of proliferation. Therefore, the elected invention is not encompassed by Claim 1 as amended. Claims 3, 6, 16, and 17, as dependent from Claim 1, also fail to encompass the elected subject matter. Therefore, Applicants' amendment is non-responsive.

Applicants must respond to this communication within one month or 30 days, whichever is longer.